

# Exhibit C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

FEDERAL TRADE COMMISSION;  
STATE OF NEW YORK; STATE OF  
CALIFORNIA; STATE OF ILLINOIS;  
STATE OF NORTH CAROLINA; STATE  
OF OHIO; COMMONWEALTH OF  
PENNSYLVANIA; and  
COMMONWEALTH OF VIRGINIA,

Plaintiffs,

v.

Case No. 1:20-cv-00706-DLC

VYERA PHARMACEUTICALS, LLC;  
PHOENIXUS AG; MARTIN SHKRELI,  
individually, as an owner and former director  
of Phoenixus AG and a former executive of  
Vyera Pharmaceuticals, LLC; and KEVIN  
MULLEADY, individually, as an owner and  
director of Phoenixus AG and a former  
executive of Vyera Pharmaceuticals, LLC,

Defendants.

**Plaintiffs' Disclosure of Opening Experts**

Plaintiffs disclose the experts identified below who will provide opening expert reports on April 12, 2021.

**1. C. Scott Hemphill, Ph.D., J.D.**

Based on his experience and analysis of the relevant evidence, Professor Hemphill will opine on the relevant product market of FDA-approved pyrimethamine products, Defendants' monopoly power in the relevant market, the harm caused by Defendants' anticompetitive conduct, the lack of any procompetitive justification for Defendants' anticompetitive conduct, and the amount of Defendants' ill-gotten gains from their anticompetitive conduct. Professor Hemphill's curriculum vitae is attached as Exhibit A.

Professor Hemphill is available to provide deposition testimony on his expert opinions on July 8, July 15, or July 22.

**2. W. David Hardy, M.D.**

Based on his experience and analysis of the relevant evidence, Dr. Hardy will opine on toxoplasmosis and the serious health risks it poses, the historical trajectory and current state of toxoplasmosis in the United States, the diagnosis and treatment of toxoplasmosis, the unique role of Daraprim and other FDA-approved pyrimethamine products for the treatment of toxoplasmosis (including its status as the preferred therapy), and why trimethoprim-sulfamethoxazole and compounded pyrimethamine products are not readily interchangeable with Daraprim for the treatment of toxoplasmosis. Dr. Hardy's curriculum vitae is attached as Exhibit B.

Dr. Hardy is available to provide deposition testimony on his expert opinions on July 27, July 29, or August 3.

**3. James R. Bruno**

Based on his experience and analysis of the relevant evidence, Mr. Bruno will opine on API sourcing and development, the CMC requirements for FDA approval of an ANDA, the availability of pyrimethamine API suppliers to supply the U.S. market in the relevant time period, the use of exclusive and backup API supply contracts, and Phoenixus's negotiations and contracts with Fukuzyu and RL Fine. Mr. Bruno's curriculum vitae is attached as Exhibit C.

Mr. Bruno is available to provide deposition testimony on his expert opinions on July 22, July 28, or July 29.

#### 4. Edward V. Conroy

Based on his experience and analysis of the relevant evidence, Mr. Conroy will opine on: the distribution of pharmaceuticals and the role of specialty distribution; the historical distribution of Daraprim, including the use of specialty distribution for Daraprim; the sourcing of products in specialty distribution for use in bioequivalence testing; how Vyera's restrictive distribution system benefited the distributors of Daraprim financially; the role of data aggregators in the identification of drugs or generic drugs for development; and the uniqueness of Vyera's agreements and practices to prevent the sale of its distributors' Daraprim data. Mr. Conroy's curriculum vitae is attached as Exhibit D.

Mr. Conroy is available to provide deposition testimony on his expert opinions on July 14, July 21, or July 27.

Dated: February 12, 2021

Respectfully submitted,

/s/ Markus H. Meier  
Markus H. Meier  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Tel: 202-326-3759  
*Counsel for Plaintiff*  
*Federal Trade Commission*

/s/ Elinor R. Hoffmann  
Elinor R. Hoffmann  
Office of the Attorney General  
28 Liberty Street  
New York, NY 10006  
Tel: (212) 416-8269  
elinor.hoffmann@ag.ny.gov  
*Counsel for Plaintiff State of New York*

/s/ Michael D. Battaglia

Michael D. Battaglia  
Deputy Attorney General  
Office of the Attorney General of California  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102  
Tel: (415) 510-3769  
michael.battaglia@doj.ca.gov  
*Counsel for Plaintiff State of California*

/s/ Richard S. Schultz

Richard S. Schultz  
Assistant Attorney General  
Office of the Attorney General of Illinois  
100 W. Randolph Street, 11<sup>th</sup> Floor  
Chicago, IL 60601  
Tel: (312) 814-3000  
rschultz@atg.state.il.us  
*Counsel for Plaintiff State of Illinois*

/s/ K.D. Sturgis

K.D. Sturgis  
Special Deputy Attorney General  
North Carolina Department of Justice  
Consumer Protection Division  
114 West Edenton Street  
Raleigh, NC 27603  
Tel: (919) 716-6000  
ksturgis@ncdoj.gov  
*Counsel for Plaintiff State of North Carolina*

/s/ Elizebeth M. Maag

Elizebeth M. Maag  
Associate Assistant Attorney General  
Office of the Ohio Attorney General  
Antitrust Section  
150 E. Gay Street, 22nd Floor  
Columbus, OH 43215  
Tel: (614) 466-4328  
liz.maag@ohioattorneygeneral.gov  
*Counsel for Plaintiff State of Ohio*

/s/ Joseph S. Betsko

Joseph S. Betsko  
Senior Deputy Attorney General  
Pennsylvania Office of Attorney General  
Antitrust Section  
Strawberry Square, 14<sup>th</sup> Floor  
Harrisburg, PA 17120  
jbetsko@attorneygeneral.gov  
*Counsel for Plaintiff Commonwealth of  
Pennsylvania*

/s/ Tyler T. Henry

Tyler T. Henry  
Assistant Attorney General  
Office of the Attorney General of Virginia  
202 North Ninth Street  
Richmond, VA 23219  
thentry@oag.state.va.us  
*Counsel for Plaintiff Commonwealth of  
Virginia*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 12, 2021, I served a true and correct copy of the foregoing **Plaintiffs' Disclosure of Opening Experts** on all counsel of record in this action via electronic mail.

Dated: February 12, 2021

Respectfully Submitted,

/s/ J. Maren Schmidt

Maren Schmidt (*pro hac vice*)

Federal Trade Commission

600 Pennsylvania Avenue, NW

Washington, DC 20580

Tel: (202) 326-3084

mschmidt@ftc.gov

*Counsel for Plaintiff Federal Trade Commission*